Calendar No. 938

99TH CONGRESS
2d Session

SENATE

REPORT
99-454

ACQUISITION OF CERTAIN LANDS FOR NEW RIVER GORGE NATIONAL RIVER IN THE STATE OF WEST VIRGINIA

SEPTEMBER 19 (legislative day, SEPTEMBER 15), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2384]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2384), to amend Public Law 95-625 to permit the acquisition of certain lands for an administrative site for the New River Gorge National River, West Virginia, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, after line 2, add the following new section:

SEC. 2. Section 1112 of the same Act is amended by striking "$500,000" and inserting "$3,000,000".

PURPOSE OF THE MEASURE

S. 2384, as reported, would authorize the acquisition of lands for the construction of an administrative headquarters, maintenance facility, and small visitor center for the New River Gorge National River.

BACKGROUND AND NEED

The New River Gorge National River was established by title XI of the National Parks and Recreation Act of 1978. The boundary of the area includes approximately 62,024 acres, including 56,247 acres of private land, 4,003 acres of Federal land (including 1,220 acres in less than fee ownership), and 1,774 acres in State and local public ownership. The vast majority of this land has very rugged

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topography typical of a deep river gorge. In 1985, there were 263,021 recreation visits to the New River Gorge, a 14-percent increase in visitation over that in 1984.

The General Management Plan for the National River, which was transmitted to the authorizing Committees of Congress by the Secretary of the Interior in 1983, indicated that a headquarters site should be located in or near Oak Hill, West Virginia. A site of about 10 acres in the town of Glen Jean, located 4 miles south of Oak Hill, has been selected as the most appropriate location for an administrative headquarters and visitor contact facility. The site is advantageous for access by the many rafters who visit the area, it is accessible to city water and sewer services, and it would provide safe and convenient access to U.S. Highway 19, the major north-south highway that generally parallels the New River Gorge National River.

The estimated cost of acquiring the approximately 7.92-acre administrative site is $603,000. The fiscal year 1986 Continuing Resolution (Public Law 99-190) appropriated $300,000 from the Land and Water Conservation Fund for land acquisition at New River Gorge. The language of S. 2384 would make clear that the funds already appropriated for land acquisition in fiscal year 1986 could be used for purposes of acquisition of the administrative headquarters site at Glen Jean.

Development of the site, including landscaping, construction of the headquarters and maintenance facility, parking, and restoration and rehabilitation of two historic structures within the site—the Glen Jean Bank and the Taylor House—is estimated to cost approximately $2.8 million. Section 1112 of the authorizing legislation for the national river limited appropriations for development of the area to $500,000; and of that amount $200,000 has already been appropriated in fiscal year 1984, for construction of facilities within the boundary of the national river. Accordingly, $300,000 remains authorized to be appropriated for development. The Committee amendment would authorize the appropriation of funds necessary to complete the development.

Legislative History

S. 2384 was introduced by Senator Rockefeller and Senator Byrd on April 29, 1986. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on July 18, 1986.

At a business meeting on September 11, 1986, the Senate Committee on Energy and Natural Resources ordered S. 2384, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 11, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 2384, if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield	
Mr. Weicker*	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	
Mr. Johnston*	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Melcher*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Rockefeller*	

*Indicates voted by proxy.

COMMITTEE AMENDMENT

The Committee amendment reflects the recommendation of the Administration that the development ceiling for the New River Gorge area be increased from $500,000 to $3,000,000 so that the administrative site can be completed in accordance with the General Management Plan for the National River.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 11, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2384, a bill to amend Public Law 95-625 to permit the acquisition of certain lands for an administrative site for the New River Gorge National River, West Virginia.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2384.

2. Bill title: A bill to amend Public Law 95-625 to permit the acquisition of certain lands for an administrative site for the New River Gorge National River, West Virginia.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, September 11, 1986.

4. Bill purpose: S. 2384 would authorize the Secretary of the Interior to acquire approximately 10 acres of land outside of the boundaries of the New River Gorge National River. The bill authorizes no new appropriations for the purchase of the additional acreage, which would be used for the construction of an administrative headquarters. However, the existing authorization ceiling for development of the site would be increased by $2.5 million, from $500,000 to $3 million. To date, $200,000 has been appropriated for development within the boundary of the site. None of this amount has yet been spent, and there is no request for additional funds in the President's 1987 budget.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Authorization level	2.5				
Estimated outlays	.4	.8	.6	.5	.2

The costs of this bill fall within budget function 300.

Basis of estimate:

The authorization level is the difference between the existing ceiling for site development ($500,000) and the new ceiling established in the bill. For purposes of this estimate, it is assumed that the additional amounts authorized will be appropriated for fiscal year 1987. Outlays have been estimated on the basis of historical spending patterns for similar activities.

The above table includes no costs for the acquisition of the administrative site, because the existing authorization of $20 million (of which $300,000 has been appropriated to date) is expected to be adequate; acquisition of the site is expected to cost about $600,000.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis and Carol Cohen.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2384. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2384, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 2384 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 15, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 2384, a bill "To amend Public Law 95-625 to permit the acquisition of certain lands for an administrative site for the New River Gorge National River, West Virginia."

We recommend the enactment of S. 2384, if amended as suggested herein.

S. 2384 would amend the National Parks and Recreation Act of 1978, which established the New River Gorge National River in West Virginia, by specifically authorizing the acquisition of not to exceed 10 acres outside the boundaries of the national river for an administrative headquarters site. The boundary of the New River National River includes approximately 62,024 acres, including 56,247 acres of private land, 4,003 acres of Federal land (including 1,220 acres in less than fee ownership), and 1,774 acres in State and local public ownership. The vast majority of this land has very rugged topography typical of a deep river gorge. In 1985, there were 263,021 recreation visits to the New River Gorge, a 14 percent increase in visitation over that in 1984.

The General Management Plan for the national river, which was transmitted to the authorizing Committees of Congress by the Secretary of the Interior in 1983, indicated that a headquarters site should be located in or near Oak Hill, West Virginia. A site of about 10 acres in the town of Glen Jean, located 4 miles south of Oak Hill, has been selected as the most appropriate location for an administrative headquarters and visitor contact facility. The site is advantageous for access by the many rafters who visit the area, it is accessible to city water and sewer services, and it would provide safe and convenient access to U.S. Highway 19, the major north-south highway that generally parallels the New River Gorge National River.

Development of the site, including landscaping, construction of the headquarters and maintenance facility, parking, and restoration and rehabilitation of two historic structures within the site—the Glen Jean Bank and the Taylor House—is estimated to cost approximately $2.8 million. Section 1112 of the authorizing legislation for the national river limited appropriations for development of the national river to $500,000. Of that amount, $200,000 has already

been appropriated in fiscal year 1984 for construction of facilities within the boundary of the national river. Accordingly, $300,000 remain authorized to be appropriated for development. In order that the full amount necessary to complete the development of the headquarters site may be available for appropriation, we recommend that the appropriation limitation on development in the 1978 authorizing legislation be amended by increasing the existing limitation of $500,000 to an amount necessary to complete the Glen Jean administrative site, or a new ceiling of $3.0 million ($2.8 million new development at Glen Jean, plus the $200,000 already appropriated).

The estimated cost of acquiring the approximately 7.92-acre administrative site is $603,000. The fiscal year 1986 Continuing Resolution (Public Law 99-190) already appropriated $300,000 from the Land and Water Conservation Fund for land acquisition at New River Gorge. The language of S. 2384 would make clear that the funds already appropriated for land acquisition in fiscal year 1986 could be used for purposes of acquisition of the administrative headquarters site at Glen Jean.

By locating the principal administrative headquarters site outside the boundary at Glen Jean, not only will the development be located away from the sensitive natural resources of the New River Gorge, but information and services for visitors will be located at the major point of both road and river access to the area. The Congress has authorized the establishment of similar detached administrative sites outside boundaries of National Park System areas for Assateague Island National Seashore, Big Horn Canyon National Recreation Area, Cumberland Island National Seashore, and other units of the National Park System where major development in the resource to be protected would be difficult or inappropriate. We believe, therefore, that the detached administrative site proposed in S. 2384 will benefit the visitor and help protect the natural resources of the New River Gorge, and we recommend that the bill be enacted, if amended as suggested above.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2384, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 95-625 (92 STAT. 3467)

NATIONAL PARKS AND RECREATION ACT OF 1978

AN ACT to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

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TITLE XI—NEW RIVER GORGE NATIONAL RIVER

SEC. 1101. * * *

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SEC. 1102. (a) Within the boundaries of the New River Gorge National River, the Secretary may acquire lands and waters or interests therein by donation, purchase with donated or appropriated funds, transfer, or exchange. Lands owned by the State of West Virginia or a political subdivision thereof may be acquired by donation only. *In addition, the Secretary may acquire by any of the foregoing methods not to exceed ten acres outside the boundaries of the national river for an administrative headquarters site, and funds appropriated for land acquisition shall be available for the acquisition of the administrative headquarters site.* The authority of the Secretary to condemn in fee, improved properties as defined in subsection (c) of this section shall not be invoked as long as the owner of such improved property holds and uses it in a manner compatible with the purposes of this title. The Secretary may acquire any such improved property without the consent of the owner whenever he finds that such property has undergone, since January 1, 1978, or is imminently about to undergo, changes in land use which are incompatible with the purposes of the national river. The Secretary may acquire less than fee interest in any improved or unimproved property within the boundaries of the national river.

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SEC. 1112. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this title, but not to exceed $20,000,000 for the acquisition of lands and interests in lands, and not to exceed **[**$500,000**]** *$3,000,000* for development.

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